

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TEVIN DENZEL SUTTON, #786248,

Petitioner,

v.

CASE NO. 2:18-CV-12205  
HONORABLE NANCY G. EDMUNDS

THOMAS WINN,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

Michigan prisoner Tevin Denzel Sutton ("Petitioner") has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is incarcerated in violation of his constitutional rights. This matter is before the Court on Petitioner's motion for appointment of counsel. In support of his motion, Petitioner states that he seeks counsel because the State is suppressing his criminal file and he needs counsel to obtain the file in order to prove his actual innocence.

A petitioner has no absolute right to be represented by counsel on federal habeas review. See *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); see also *Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

In this case, Petitioner has submitted his habeas petition, but Respondent has not

yet filed an answer to the petition or the state court record. Those materials are due on March 29, 2019. Petitioner's request is therefore premature. Moreover, an initial review of the petition indicates that the appointment of counsel is not necessary at this time. The Court will bear in mind Petitioner's request if, upon a more detailed review of all of the relevant documents, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue. Accordingly, the Court

**DENIES WITHOUT PREJUDICE** Petitioner's motion for appointment of counsel.

**IT IS ORDERED.**



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NANCY G. EDMUNDS  
UNITED STATES DISTRICT JUDGE

Dated: October 1, 2018